

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BERT NEWBY and MONTEZ ADAMS)
Plaintiff(s))

v.)

TENNESSEE DEPARTMENT OF)
CORRECTIONS, et al.)
Defendant(s))

Case No. 3:14-1750
Judge Sharp/Frensley

REPORT AND RECOMMENDATION

On June 20, 2016, Magistrate Judge Knowles entered an Order granting Defendant Corrections Corporation of America's Motion to Compel, stating in part "If Plaintiffs do not comply with this instant Order, the undersigned will recommend this case be dismissed." Docket No. 138. On August 1, 2017, Defendant Corrections Corporation of America filed a Motion for Involuntary Dismissal and Sanctions advising the Court that "as of the date of this filing, Plaintiffs have failed to comply with this Court's Order." Docket No. 143. Additionally, the Court notes that Plaintiffs have not filed anything in this case since August 27, 2015. Therefore, the undersigned recommends this case be dismissed for failure to comply with this Court's previous Order.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to the Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this

Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 s.Ct. 466, 88 L.Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

A handwritten signature in black ink, appearing to read "Jeffery S. Frensley", written over a horizontal line.

JEFFERY S. FRENSLEY
United States Magistrate Judge